

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
May 9, 2019
6:00 pm

The Wallace Town Council held its regularly scheduled monthly meeting in the Council Chambers at the Town Hall.

The following Governing Body members were present:

Charles C. Farrior, Jr., Mayor

Council Member/Mayor Pro-Tem Warren Hepler

Council Member Frank Brinkley

Council Member Wannetta Carlton

Council Member Jeff Carter

Council Member Jason Wells

The following members of the Governing Body were absent:

NONE

Also Present were:

Ralph Clark, Interim Town Manager	Dean Bunch
Jackie Nicholson, Town Clerk	Katherine Bunch, GM Wallace ABC Board
Anna Heath, Town Attorney	Davis Carr
Richard Burrows	Danny Cavanaugh
Jimmy Crayton, Police Chief	Steve Coggins, Attorney
Shameshia Fennell, Finance Director	Joseph Merritt
Rod Fritz, Planning Director	Diane McNamara, Wallace ABC Board
Jerry James, Public Services Director	Brad Parker, Greenway Residential Development
Gage King, Airport Manager	Linda Sikes
Sharon Robison, Library Director	Rynal Stephenson, P.E., Ramey Kemp Assoc.
Melissa Atkinson	Brad White, General Appraiser
Sherry Aramini	Brent Whitfield
Wayne Aramini	John Wood, Senior Project Mgr., Cline Design
Duane Batts	Trevor Normile, <i>Duplin Times</i>

Mayor Charley Farrior called the regular meeting to order with a quorum of the governing body members present. Council Member Jason Wells gave the invocation.

The Pledge of Allegiance was recited.

Adoption of the Agenda

Mayor Farrior called for discussion of any changes or additions to the agenda. The Mayor asked that an item be added under old business to allow Katherine Bunch, General Manager of the Wallace ABC Board to speak to the Council and under new business add the contract for the nutrition site located at Clement Park. Council Member Wells made a motion to adopt the agenda with those additions. The motion was seconded by Council Member Jeff Carter and approved by unanimous vote.

Public Comment Period

There were no comments.

Consent agenda

Minutes from the April 11 monthly meeting, the April 15 continued meeting and the April 25 continued meeting

Mayor Farrior called for discussion of the minutes. There being no corrections or additions, Council Member Wells made a motion to approve the minutes as submitted. The motion was seconded by Council Member Frank Brinkley and approved by unanimous vote.

Approval of Tax Releases

Finance Director Shameshia Fennell presented the following tax liabilities for release:

Account #	Name	Reason	Amount
166	Joseph Bologna	Equipment purchased after January 1, 2019	166.33
1298	Hosea Pidela	Never owner property	210.29

Council Member Brinkley made a motion to release these tax liabilities that was seconded by Council Member Wells and approved by unanimous vote.

Budget Amendments

Director Fennell presented Budget Amendments FY2018-2019 #12 to purchase/replace the dump truck that caught on fire, #13 for Sequential Batch Reactor (SBR) units repair at the Wastewater Treatment Plant, #14 to repair Well #17 located on Hwy. 117 and #15 to renew Wallace GIS System agreement.

Council Member Brinkley made a motion to approve the proposed Budget Amendments which was seconded by Council Member Warren Hepler and approved by unanimous vote.

Old Business

Wallace ABC Board Request for Feedback on Future Expansion

Mayor Farrior recognized Katherine Bunch, GM Wallace ABC Board. Ms. Bunch said that sales have increased to the point where there is not enough space to accommodate the inventory necessary to support those sales, there are issues with unloading deliveries and potential legislative matters that would impact the store. Ms. Bunch asked the Council for input regarding support of future expansion including relocation to mitigate these issues. Mayor Farrior recommended a joint meeting of the Town Council and ABC Board for further discussion.

Final Disposition of Surplus Property

Airport Manager Gage King said that he had received one (1) bid on each of the items of surplus property that were advertised for disposition by sealed bid. Mr. King said he received the following bids:

2016 Farris Diesel Mower 61 in.	\$25.00
2007 Club Car Golf Cart	\$100

Council Member Wells made a motion to approve the sale of the surplus property. The motion was seconded by Council Member Hepler and approved by unanimous vote.

Farm Land Lease Approval

Airport Manager King said that the requirements for advertising the intent to lease sixty (60) acres of property have been met and asked the Council for approval.

Council Member Carter made a motion to enter into the lease agreement that was seconded by Council Member Wannetta Carlton and approved by unanimous vote.

Maple Creek Pump Station Upgrade/Force Main (830 Project) Capital Project Budget Ordinance

Public Services Director Jerry James asked the Council to approve this Capital Project Budget Ordinance as it is a requirement of the funding agency.

Council Member Hepler made a motion to approve the Capital Project Budget Ordinance for the Maple Creek Pump Station Upgrade/Force Main (project #E-SAP-W-18-0019). The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Award Bid for Lift Station Repairs (FEMA Project)

Public Services Director James said that the bids for this project were opened earlier today and were received as follows and asked the Council to award the bid to apparent lowest bidder Wilson Rhodes Electrical Contractors, Inc:

<u>Contractor Name</u>	<u>Lump Sum Bid Amount</u>
Wilson Rhodes Electrical Contractors, Inc	\$97,620.00
Beco Electric, Inc.	\$101,997.00

Council Member Carter made a motion to enter into a contract with Wilson Rhodes Electrical Contractors, Inc. for lift station repairs in the amount of \$97, 620.00. The motion was seconded by Council Member Wells and approved by unanimous vote.

Discussion of Requests for Qualifications (RFQ) for Engineering Services for New Wells

Public Services Director James said that he and Interim Town Manager Ralph Clark reviewed the three (3) RFQs that were submitted and concluded that Stroud Engineering, PA is the most qualified and asked the Council to approve negotiating fees.

Council Member Hepler made a motion to negotiate fees with Stroud Engineering, PA for engineering services for new wells. The motion was seconded by Council Member Carlton and approved by unanimous vote.

New Business

Disposition of Surplus Property

Airport Manager King said that there has been interest in purchasing the shelter located at 1822 Wallace Airport Road and had been offered \$100 for it. Mr. King asked the Council to approve declaring it surplus so it can be sold and removed from the property.

Council Member Carter made a motion to adopt a Resolution Authorizing the Advertisement for Upset Bids for the Sale of a Shelter located at 1822 Wallace Airport Road. The motion was seconded by Council Member Wells and approved by unanimous vote.

Award Contract for Auditing Services

Finance Director Fennell stated that a review committee evaluated the proposals submitted from three (3) firms for auditing services. Ms. Fennell recommended the Council award a contract for auditing services to Thompson, Price, Scott, Adams & Co.. This firm has confirmed prices for the next three (3) years: FY 2018-19- \$14,500; FY 2019-20- \$14,500; FY 2020-21- \$15,000.

Council Member Carter made a motion to engage the firm of Thompson for auditing services that was seconded by Council Member Carlton and approved by unanimous vote.

Approval of Memorandum of Cooperative Agreement with NC Wildlife Commission

Interim Town Manager Ralph Clark presented a Memorandum of Agreement regarding the fishing pier at Boney Mill Pond. The construction of said pier was at the cost of the Wildlife Commission but upon completion will become the property of the Town. The Town will be responsible for maintenance and repair except when design consultation or pier section replacement is necessary.

Council Member Brinkley made a motion to approve this Memorandum of Cooperative Agreement with NC Wildlife Commission. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Approval of two-year (2) contract with Teleco for IT Services

Finance Director Fennell presented a proposed two-year (2) contract with Teleco for IT services as the previous contract has expired. Town Attorney Anna Heath recommended some changes that were agreed to by Teleco General Manager Joey Stone.

Council Member Hepler made a motion to approve the proposed contract with the recommended changes. The motion was seconded by Council Member Wells and approved by unanimous vote.

Approval of Contract with Duplin County Services for the Aged

Mayor Farrior said that Services for the Aged has been providing meals for senior citizens at the Campbell Center for many years and the agreement between them and the Town needs to be renewed. Town Attorney Heath recommended that the agreement include Duplin County accepting liability for their employees, agents, independent contractors and volunteers. Ms. Heath added that the County Attorney did not want to agree to these additions to the agreement.

Council Member Wells made a motion to approve the agreement with the proposed additions. The motion was seconded by Council Member Hepler and approved by unanimous vote.

Financial Reports

Finance Director Fennell presented information on utilities revenue and that nothing in particular stands out. Ms. Fennell said the revenue projects for the year look good. Ms. Fennell has met with Department Heads regarding their budgets and would like to meet with the budget committee week after next.

FEMA Reports

Ms. Fennell reported very briefly on the status various projects.

PUBLIC HEARNGS

Rezoning Request for 12 Acres Located on NC Hwy 11 at Southpark Drive

Council Member Wells made a motion to open a public hearing. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Planning Director Rod Fritz stated that an application had been received from Archie Carter to rezone the property located on NC Hwy 11 at Southpark Drive from I (industrial) to R20-MH (residential, minimum lot size 20,000 sq. ft., manufactured homes allowed). This request was reviewed by the Planning Board, Mr. Carter had requested this rezoning to build homes for family members. The Planning Board recommended approval of this request. Mayor Farrior called for questions or comments, there were none.

Council Member Wells made a motion to close the public hearing that was seconded by Council Member Brinkley and approved by unanimous vote.

Council Member Carter asked to be excused from voting on this matter due to his working relationship with Mr. Carter. Council Member Brinkley made a motion as such that was seconded by Council Member Wells and approved by unanimous vote.

Council Member Brinkley made a motion to approve the rezoning request made by Mr. Carter. The motion was seconded by Council Member Wells and approved by unanimous vote.

Rezoning Request for 6 Acres Located at 103 Town and Country MHP Lane

Council Member Wells made a motion to open a public hearing. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Planning Director Fritz stated that the applicant Greenway Residential Properties, LLC to rezone six (6) acres located at 103 Town and Country MHP Lane from HB (highway business) to RA-20 (residential, minimum lot size 20,000 sq. ft.). The Planning Board has reviewed this request at their April 23, 2019 meeting and recommended denial because it does not meet the density requirements of the UDO (Unified Development Ordinance). Mr. Fritz read the list of approved uses in the RA-20 zoning district and said that the applicant applied for this particular zoning as the property is contiguous to RA-20 zoned property.

Mr. Steve Coggins, Attorney (representing the applicant) stated that the purpose of the RA-20 zoning district is for moderate residential use with open space. He said that this request is consistent with the land use plan and there would be no adverse impact created by the change in zoning and presented an economic impact study regarding this project.

Council Member Hepler made a motion to close the public hearing that was seconded by Council Member Wells and approved by unanimous vote.

Council Member Wells said that the only item under consideration at this time is whether or not it makes sense to rezone this property and made a motion to approve the request for rezoning. Council Member Brinkley seconded this motion which was approved by unanimous vote.

Application for Special Use Permit for Multi-Family Residential Development

Mr. Richard Burrows explained that the public hearing for a Special Use Permit (SUP) is quasi-judicial. All parties offering testimony will be under oath and must qualify as "expert". Mr. Burrows added that the applicant has asked for a waiver of the minimum requirements regarding density and this component of the application was not advertised. The UDO does allow for some waivers.

Council Member Carter made a motion to open a public hearing for an application for a special use permit. The motion was seconded by Council Member Wells and approved by unanimous vote.

John Wood, Senior Project Manager, Cline Design; Brad White, General Appraiser, G. Brad White and Associates, LLC; Rynal Stephenson, P.E., Ramey Kemp & Associates, Inc.; Brad Parker, Owner, Greenway Residential Development; Brent Whitfield; Rod Fritz, Planning Director were all sworn-in.

Mr. Brad Parker gave testimony on the project development, funding through North Carolina Housing Finance Agency (NCHFA) and explained that the development is not subsidized but rental fees are based on income.

Mr. John Wood described the design and look of the development and factors considered in the layout, parking and landscaping. Mr. Wood said the favored design had fewer parking spaces

than required but said the research indicated it would be sufficient and presented an alternative that included the required number of parking spaces.

Mr. Rynal Stephenson presented the Traffic Assessment and that the development is not expected to have a significant impact on the surrounding roadway network with traffic generation of less than one vehicle per minute traveling either to or from the development. He did say that a driveway permit would have to be obtained from North Carolina Department of Transportation (NCDOT).

Mr. Brad White presented testimony regarding potential impact to market value of properties adjoining the proposed development. Mr. White stated that the proposed project would maintain or enhance the market value of the contiguous properties with no measurable impact.

Mr. Steve Coggins summed up the testimony and said that the application for this development satisfies the general standards/findings of fact for a SUP with the additional request of a waiver per his correspondence dated April 16, 2019 and asked the Council for approval. Mr. Burrows disagreed. The General Standards/Findings of Fact are:

1. That the use or development is located, designed, and proposed to be operated so as to maintain the public health, safety and general welfare.
2. That the use or development complies with all the required regulations and standards of this ordinance, including all applicable provisions of Chapter 4,5 and 6 and all applicable regulations.
3. That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of the contiguous property, or that the use or development is a public necessity.
4. That the use or development confirms with the general plans for the physical development of the Town as embodied in the Town's Comprehensive Plan.

The Council asked the developer if they would agree to work with NCDOT for ingress and egress approval, get a pedestrian crossing on Old NC Hwy 41, submit the landscape plan to the Planning Director for approval, comply with the parking requirements of the UDO and annex into the Town of Wallace. They indicated that they would.

Council Member Wells made a motion to close the public hearing that was seconded by Council Member Brinkley and approved by unanimous vote.

Mr. Burrows said that the Council needed to go through the General Standards/Findings of Fact and determine if they have been met before proceeding with a vote to approve or deny the special use permit.

The General Standards/Findings of Fact are:

1. That the use or development is located designed and proposed to be operated so as to maintain the public health, safety and general welfare.

2. The use or development complies with all required regulations and standards of this Ordinance (Unified Development Ordinance), including all applicable provisions of Chapters 4, 5 and 6 and all applicable regulations.

3. That the use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and

4. That the use or development confirms with the general plans for the physical development of the Town as embodied in the Town's Comprehensive Plan.

The Council discussed each of these items and agreed that the proposed development meets numbers 1, 3 and 4 but not number 2, particularly in reference to density. After discussing the density requirements in the UDO, the consensus of the Council was that they may be flawed and in need of review and/or revision.

Council Member Wells made a motion to approve the Special Use Permit for Greenway Residential LLC. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Due to the hour, the Council Reports, Mayor's Report, Department Head Reports and Town Manager's Report were not heard.

With there being no other business to discuss, Council Member Wells made a motion to adjourn that was seconded by Council Member Brinkley and approved by unanimous vote.

Respectfully submitted,

Charles C. Farrior, Jr., Mayor

Jacqueline Nicholson, CMC, NCCMC
Town Clerk

**TOWN OF WALLACE
BUDGET ORDINANCE AMENDMENT #12
BATCH 29369
FOR BUDGET 2018-2019**

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina the following amendments be made to the budget for the fiscal year ending June 30, 2019:			
Section I:	GENERAL FUND		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
10-5600-740	Capital Outlay Equipment	\$45,818.00	
<u>Revenues:</u>			
Account Number	Account Description	Decrease	Increase
10-3620-540	Insurance Proceeds- Streets Department		\$14,750.00
10-3350-000	Miscellaneous Revenue		\$24,468.00
10-3830-000	Sale of Fixed Assets		\$6,600.00
Section II:	WATER & SEWER FUND		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
30-6600-580	Contingency		\$9,000.00
30-8100-740	Capital Outlay-Equipment	\$9,000.00	
	TOTAL:	\$54,818.00	\$54,818.00

Section III: Copy to Finance Director:

Copies of this budget amendment shall be delivered to the Finance Director for their direction in the disbursement of funds:

Adopted this the 9th day of May, 2019

Attest: _____

Jacqueline Nicholson, Town Clerk

Charles C. Farrior, Jr., Mayor

**TOWN OF WALLACE
BUDGET ORDINANCE AMENDMENT #13
BATCH 29369
FOR BUDGET 2018-2019**

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina the following amendments be made to the budget for the fiscal year ending June 30, 2019:			
Section I:	WWTP		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
30-8300-150	WWTP Maintenance	\$40,00000	
30-8300-081	Professional Services (Legal)		\$15,000.00
30-8300-341	Wastewater Testing (Burgaw)		\$5,000.00
30-8300-590	Administrative Overhead		\$20,000.00
	TOTAL:	\$40,000.00	\$40,000.00

Section III: **Copy to Finance Director:**

Copies of this budget amendment shall be delivered to the Finance Director for their direction in the disbursement of funds:

Adopted this the 9th day of May, 2019

Attest: _____
Jacqueline Nicholson, Town Clerk

Charles C. Farrior, Jr., Mayor

**TOWN OF WALLACE
BUDGET ORDINANCE AMENDMENT #14
BATCH 29369
FOR BUDGET 2018-2019**

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina the following amendments be made to the budget for the fiscal year ending June 30, 2019:			
Section I:	WATER		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
30-8100-080	Professional Services Water		\$10,000.00
30-8100-450	Contracted Services		\$10,000.00
30-8100-150	Water System Maintenance	\$26,000.00	
Section II:	SEWER		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
30-8200-150	Sewer System Maintenance		\$6,000.00
	TOTAL:	\$26,000.00	\$26,000.00

Section III: Copy to Finance Director:

Copies of this budget amendment shall be delivered to the Finance Director for their direction in the disbursement of funds:

Adopted this the 9th day of May, 2019

Attest: _____
Jacqueline Nicholson, Town Clerk

Charles C. Farrior, Jr., Mayor

**TOWN OF WALLACE
BUDGET ORDINANCE AMENDMENT #15
BATCH 29369
FOR BUDGET 2018-2019**

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina the following amendments be made to the budget for the fiscal year ending June 30, 2019:			
Section I:	PLANNING & DEVELOPMENT		
<u>Expenditures:</u>			
Account Number	Account Description	Increase	Decrease
10-5400-450	Contracted Services	\$500.00	
10-5400-140	Travel, Seminars & Meetings		\$500.00
	TOTAL:	\$500.00	\$500.00

Section III: **Copy to Finance Director:**

Copies of this budget amendment shall be delivered to the Finance Director for their direction in the disbursement of funds:

Adopted this the 9th day of May, 2019

Attest: _____
Jacqueline Nicholson, Town Clerk

Charles C. Farrior, Jr., Mayor

RESOLUTION OF INTENT TO LEASE PROPERTY

WHEREAS, N.C.G.S. 160A-272 authorizes the Town Council to lease property; and
WHEREAS, the Town Council of the Town of Wallace ("Town") has determined that the real property of the Town described below will not be needed by the Town for a term of three (3) years:

Being a portion of the real property owned by the Town of
Wallace upon which the Wallace Municipal Airport is
located that is located in Union Township, Pender County,
North Carolina, the leased portion being described as
follows: Being all of the cleared land located adjacent to
the runway, consisting of 60.0 acres, more or less.

WHEREAS, Nathan Farrior has requested to lease the above-described property for an initial period of one year with the option to renew for two (2) successive terms of one (1) year each, by mutual written agreement of the parties; and

WHEREAS, the Town Council adopted a resolution on March 14, 2019 of it's intent to lease the above-described property at its regular meeting on May 09, 2019; and

WHEREAS, the Town Clerk published a public notice in the *Duplin Times* on April 4, 2019 describing the property to be leased, stating the annual rental payments, and announcing the Council's intent to authorize the lease at its next regular meeting, pursuant N.C.G.S. 160A-272;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Wallace meeting in regular session that:

1. The Town Council has determined that the property is not necessary during the term of the lease.
2. That the Town Council of the Town of Wallace authorizes the lease of the property to Nathan Farrior for an initial period of one year with the option to renew for two (2) successive terms of one (1) year each, by mutual written agreement of the parties.
3. That the Interim Town Manager Ralph Clark is duly authorized to execute the attached lease and the attached Memorandum of Lease.
4. Adopted this the 09 day of May, 2019.

By: _____

Charles C. Farrior, Jr., Mayor

Attest:

Jacqueline Nicholson, Town Clerk

**Resolution Authorizing the Advertisement for Upset Bids
for the Sale of a 1999 GMC Dump Truck**

WHEREAS, the Town Council of the Town of Wallace desires to dispose of certain surplus property of the Town of Wallace;

WHEREAS, North Carolina General Statute § 160A-269 permits the Town to sell property by upset bid, after receipt of an offer for the property;

WHEREAS, the Town has received an offer to purchase the property described above, in the amount of \$100.00, submitted by Dennis Mote; and

WHEREAS, Dennis Mote has paid the required five percent (5%) deposit on his offer;

NOW, THEREFORE, BE IT RESOLVED by the Town Council if the Town of Wallace that:

1. The following described property is hereby declared to be surplus to the needs of the Town of Wallace: Shelter located at 1822 Wallace Airport Road.
2. The Town Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
3. The Town clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
4. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Town Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Town Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the Town clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Town Council.
6. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The Town will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The Town will return the deposit of the final high bidder at closing.
8. The terms of the final sale are that
 - the Town Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - the buyer must pay with cash, cashier's check, or certified check at the time of closing.
9. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
10. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate Town officials are authorized to execute the instruments necessary to convey the property to Dennis Mote.

Adopted this _____ day of _____, 2019.

Charles C. Farrior, Jr., Mayor

Jacqueline Nicholson, CMC, NCCMC
Town Clerk